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EXAMINER

RYAN, PATRICK A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,490	Applicant(s) KARAOGUZ ET AL.	
	Examiner PATRICK A. RYAN	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is made in response to RCE-Response Under CFR 1.114 ("Reply"), filed August 13, 2008. Applicant has amended Claims 1-2, 4, 7, 9, 11-12, 14, and 21-30; no claims have been added; and no claims have been canceled. As amended, Claims 1 through 31 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 13, 2008 has been entered.

Drawings

3. Applicant has amended Fig. 1C with a Replacement Sheet in order to change Block 121 from "Select media media content..." to "Select media content..." This amendment has been accepted.

Specification

4. Applicant has amended Paragraph [01] by replacing the Attorney Docket Numbers with the corresponding United States Provisional Application Serial Numbers. This amendment has been accepted.
5. Applicant has amended Paragraphs [30, 35, and 46] in order to correct minor informalities. This amendment has been accepted.

Response to Arguments

6. Applicant's arguments, see Reply Page 13 and 14, filed August 13, 2008, with respect to Logan (US Patent Application Publication 2002/0120925 A1) teaching the Claim 1, 11, and 21 limitation "establishing a personal television channel at a first geographic location" have been fully considered and are persuasive. However, the Examiner respectfully disagrees that "Novak does not overcome the deficiency of Logan." (as Applicant states in Reply Page 14).

The Examiner presents that Novak does in fact teach the limitation "establishing a personal television channel at a first geographic location" by way of Upload Source 122, which can function as a set top box (such as STB 152) to establish a Synthetic Channel that includes personal media ("Joe's TV Channel" as shown in Figs. 6-9 created by the method of Figs. 4 and 11; With further reference to the operations of Upload Source 122, as described in Paragraphs [0039,0040,0041,0046,0055,0056, 0068,0070,0074, and 0080]).

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Applicant's arguments regarding Novak's failure to teach the Claim 1 limitation "associating said produced media program and said edited metadata with said established personal television channel" have been fully considered but they are not persuasive.

The Examiner has previously presented:

In a similar field of invention, Novak teaches a method of providing a user with a personal television channel ("synthetic channel" as described in Paragraph [0062], with further reference to "Joe's TV Channel" 804 of Fig. 8). In addition, Novak's method allows a user to upload personal media objects covering subjects such as a birthday or vacation, as disclosed in Paragraph [0064]. The user has the ability to customize the playing time duration, playing time frequency, and the date at which the media is played. (Office Action Page 4)

It is the Examiner's position that providing a user the ability to "customize the playing time duration, playing time frequency, and the data at which the media is played" all constitute metadata that can be edited (with reference to Novak Paragraphs [0026,0040,0062-0070]). These aspects are further demonstrated in Novak's Fig. 8, which shows "Joe's TV Channel" 804 in association with the broadcast times and Conventional Television Broadcast Channels of EPG 802 (as described in Paragraphs [0071,0072]). In addition, the metadata editing aspects of Novak are also demonstrated in Figs. 6 and 7. As shown in Fig. 6, the duration "Time" of media content is established in a schedule, which can be set to repeat according to various patterns set by the uploading individual (Novak Paragraph [0062]). Therefore, the Examiner presents that Novak does in fact teach the Claim 1 limitation "associating said produced media program and said edited metadata with said established personal television channel".

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-7, 10, 11-17, 20, 21-27, 30, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Novak (US Patent Application Publication 2002/0104099 A1).

9. In reference to Claim 1, Novak teaches a method for producing and delivering media content (as shown in Figs. 4 and 11; with further reference to the descriptions of Paragraphs [0056-0060; 0077-0086]), the method comprising:

establishing a personal television channel at a first geographic location (“Joe’s TV Channel” as shown in Figs. 6-9 created by the method of Figs. 4 and 11; With further reference to the operations of Upload Source 122, as described in Paragraphs [0039,0040,0041,0046,0055,0056, 0068,0070,0074, and 0080])

modifying media content to produce a media program (Fields 706 of Fig. 7 allow an individual to enter media object information or preferences, such as identifiers for date, time slot, media object identifier (ID), media object description, or file type, as described in Paragraph [0063-0067]. Once the individual has entered the media object information or preferences, the media objects are then compiled into the media program of Display 710, as described in Paragraph [0067]);

editing, at said first location, metadata associated with said media content (Fields 706 are customized by the individual, as described in Paragraphs [0063-0067]. In addition, the interface of Fig. 6 allows the uploading individual to create and edit a program schedule for Synthetic Channel);

associating the produced media program and said edited metadata with the established personal television channel (EPG 802 of Fig. 8 and EPG 152 of Fig. 9, which show "Joe's TV Channel" in association with the broadcast times and Conventional Television Broadcast Channels of EPG 802 (as described in Paragraphs [0071,0072])).

10. In reference to Claim 2, Novak teaches the method of Claim 1, comprising acquiring prior to said edition, said metadata associated with the media content (the File Type, shown in Fig. 7 and described in Paragraph [0064] is available to the upload individual prior to editing the media content).

11. In reference to Claim 3, Novak teaches the method of Claim 2 wherein the acquired metadata is one or both of program metadata and/or primitive metadata (Nova teaches program metadata, such as Fields 704 and 706 as described in Paragraphs [0063-0070])).

12. In reference to Claim 4, Novak teaches the method of Claim 1 comprising delivering said produced media program along with said edited metadata from said first geographic location to a second geographic location, for displaying at said second geographic location (upload individual at Upload Source 122, which can be a set top box, provides the programming of "Joe's Channel" to an end user at STB 152 for display

in EPG 152, as described in Paragraphs [0073-0075] and shown in Fig. 9; with further reference to [0032,0039] and Fig. 1).

13. In reference to Claim 5, Novak teaches the method of Claim 2 comprising updating the acquired metadata associated with media content to reflect at least a portion of changes associated with the modifying (“obtaining program updates” and “provisioning of the synthetic channel” in EPG 152, as described in Paragraphs [0059]; with further reference to Paragraph [0083] “updated EPG 153” performed at Block 1112 of Fig. 11).

14. In reference to Claim 6, Novak teaches the method of Claim 5 comprising displaying at least a portion of the produced media program (Media Program Display 1002 of Fig. 10, displaying a synthetic channel or media program, as described in Paragraph [0076]).

15. In reference to Claim 7, Novak teaches the method of Claim 1 wherein the modifying comprises augmenting and editing the media content (Interface 702 of Fig. 7 allows schedule information, such as the broadcast date or time slot, and program information, such as description and cast, to be modified by the uploading individual, as described in Paragraph [0063]).

16. In reference to Claim 10, Novak teaches the method of Claim 1 comprising synchronizing the modified media content for presentation in the personal television channel (content modified by uploading individual is synchronized to the time axis of EPG 152 based on the associated time slots of “Joe’s TV Channel”, as shown in Figs. 8 and 9; with further reference to Paragraphs [0063,0071-0075]).

17. In reference to Claim 11, Novak teaches a machine-readable storage with at least one coded section for producing and delivering media content (The method of Fig. 11 is stored on and executed from a machine-readable media as part of STB 152 or other local storage unit, as disclosed in Paragraph [0077]; with further reference to “token” program described in Paragraph [0058]), that is executable by a machine (STB 152, as described in Paragraph [0077]) to perform the steps of the method of Claims 1-7, and 10 (as addressed above).

18. In reference to Claim 21, Novak teaches a system for producing and delivering media content (Figure 1, as introduced in Paragraph [0025]), the system comprising a processor (STB 152 executing the flow diagram of Fig. 11 as described in Paragraphs [0077-0086]) for executing the method of Claims 1-7, and 10 (as addressed above).

19. In reference to Claim 31, Novak teach the system according to Claim 21, wherein the at least one processor is a media processing system processor (STB 152 executing the flow diagram of Fig. 11 as described in Paragraphs [0077-0086]).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 8, 9, 18, 19, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak, in view of Weber (of Record), United States Patent (7,284,032).

22. In reference to Claim 8, Novak teaches the method of Claim 1 and further teaches that metadata associated with media content is periodically updated to reflect changes made to the EPG 152 (as describe in Paragraphs [0059,0083]), but Novak does not explicitly teach determining whether a media program comprises the modified media content.

23. In a similar field of invention, Weber teaches a method and system for enabling a user to define a data segment, record the data segment, and transmit the information associated with the data segment to a remote location (Abstract). In addition, Weber teaches a "highlight guide", shown in Fig. 3, that is used to display information regarding segments that have been defined by a user and recorded by PVR 11, 21, 31 (as described in Col. 4 Lines 6-39). Weber's further teaches a method of detecting modified content that has been added to the highlight guide (as shown in Step 503 of Fig. 5 and described in Col. 6 Lines 12-35).

24. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the personal media channel containing modified media content and associated metadata, as taught by Novak, with a means for determining if the media content has been modified, as taught by Weber, in order to provide the end user with the most up to date content. In addition, the detection of modified content would

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allow the end user to decide whether to accept or reject the updated content (as Weber discusses in Col. 6 Lines 12-35).

25. In reference to Claim 9, the combination of Novak and Weber teach the method of Claim 8 comprising, if the media program comprises the modified media content, processing the media program based on metadata associated with the modified media content (Weber teaches that if a modified segment is detected at Step 503, the highlight guide is updated at Step 504, as described in Col. 6 Lines 12-35; with further reference to Fig. 4 and Col. 5 Lines 12-49 describing the process of editing and generating metadata corresponding to the media content).

26. In reference to Claim 18, the combination of Novak and Weber teach these limitations, as addressed in Claim 11 and Claim 8.

27. In reference to Claim 19, the combination of Novak and Weber teach these limitations, as addressed in Claim 11 and Claim 9.

28. In reference to Claim 28, the combination of Novak and Weber teach these limitations, as addressed in Claim 21 and Claim 8.

29. In reference to Claim 29, the combination of Novak and Weber teach these limitations, as addressed in Claim 21 and Claim 8.

Conclusion

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2623
Thursday, October 09, 2008

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623